

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DANIEL MAZUR,

Plaintiff,

v.

**DECISION AND ORDER
14-CV-1051A(Sr)**

**NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY
SUPERVISION, *et al.***

Defendants.

Plaintiff, a dentist employed by Defendant New York State Department of Corrections and Community Supervision (NYSDOCCS"), commenced this action against NYSDOCCS, Wyoming Correctional Facility Superintendent David Unger and Deputy Superintendent of Administration Sandra Durfee alleging discrimination on the basis of his gender and retaliation in violation of Title VII of the Civil Rights Act and denial of his right to equal protection and due process in violation of 42 U.S.C. § 1983. The case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On December 30, 2019, Magistrate Judge Schroeder filed a Report and Recommendation (Dkt. No. 49), recommending that defendants' motion for summary judgment (Dkt. No. 43) pursuant to Fed. R. Ci.v P. 56(c) be granted.

Plaintiff filed objections to the Report and Recommendation (Dkt. No. 50-1) and defendants filed a response (Dkt. No.53). The Court presumes the parties' familiarity with the evidentiary record and the legal issues before the Court.

Upon *de novo* review of the objections of plaintiff, the Court finds that defendants met their burden of demonstrating the absence of any genuine dispute as to any

material fact and their entitlement to judgment as a matter of law, while plaintiff failed to proffer evidence of adverse employment action, discrimination because of gender, an objectively hostile work environment, disparate treatment or denial of a property interest by defendants. The Court therefore adopts the Report and Recommendation and grants the defendants' motion pursuant to Fed.R. Civ. P. 56(c) for summary judgment for the reasons that are stated in the Report, Recommendation and Order (Dkt. No.49).

The Clerk shall enter judgment for defendants New York State Department of Corrections and Community Supervision, Sandra Durfee and David Unger and close the case.

IT IS SO ORDERED.

S/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

DATED: November 5, 2021